

REPORT AND DECISION ON APPLICATION BY
MASS. PIKE TOWERS ASSOCIATES, PARCELS R-5
& R-5A SOUTH COVE URBAN RENEWAL AREA,
MASS. R-92 FOR APPROVAL OF THE REDEVELOP-
MENT PROJECT AND CONSENT TO THE FORMATION
OF MASS. PIKE TOWERS ASSOCIATES

A. The Hearing. A public hearing was held at 2:30 p.m. on January 7, 1971, by the Boston Redevelopment Authority (hereinafter called "the Authority") at Room 901 City Hall, Boston, Massachusetts, on an Application (hereinafter called "the Application") filed by Massachusetts Pike Housing, Inc., South Cove Housing, Inc., and DCA Development Corporation (hereinafter called "the Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, and for consent to the formation of a Partnership to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the project, (hereinafter called "the Project"), due notice of said hearing having been given previously by publication on December 22, 1970, and on December 29, 1970, in the Boston Herald, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. James G. Colbert, Acting Chairman of the Authority, and Patrick Bocanfuso, Robert L. Farrell, Paul J. Burns and Joseph J. Walsh, members of the Authority were present throughout the hearing.

B. The Project. The Project consists of the purchase by Mass. Pike Towers Associates of South Cove Urban Renewal Area Disposition Parcels R-5 and R-5A (hereinafter called "the Project Area"), and the construction, operation and maintenance thereon of four buildings, consisting of approximately 200 dwelling units with appurtenant facilities including landscaping, walkways, driveways,

commercial space, and such on-site parking facilities as will provide 108 parking spaces. Said Parcels R-5 and R-5A is shown on plan of land entitled "Delivery Parcel Plan, Parcel R-5, R-5A" by Charles T. Main, Engineers, dated March 28, 1967. (Exhibit B of the Application) .

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

D. The Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of said Chapter 121A, Section 1, of the General Laws, providing, as it does, for the construction, operation and maintenance of decent, safe and sanitary residential buildings in part of an area which was previously declared to be a substandard and decadent area under Chapter 121 of the General Laws by the Authority on June 10, 1965. This finding was concurred in by the Boston City Council in its resolution approving the South Cove Urban Renewal Plan, and by the Division of Urban and Industrial Renewal, and the Project Area was taken by the Authority by eminent domain in furtherance of said Urban Renewal Plan.

Conditions exist which warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a "Project" within the meaning of that law. As stated above, the Project Area is included within an area which the Authority has already found to be substandard and decadent under the provisions of Chapter 121 and has been taken by eminent domain.

The purpose of Chapter 121A and Chapter 652 of the Acts of 1960, as amended, will be met by the carrying out of the Project as it will provide desirable housing accommodations for low to moderate income families, especially those with children, of which there is a serious shortage in Boston.

E. Cost of the Project. In the opinion of the Authority, the cost of the project has been realistically estimated in the Application and the Project is practicable. The Applicants have applied for a mortgage insurance commitment from the Federal Housing Administration to insure the mortgage in the amount of \$5,798,100 under Section 236 of the National Housing Act. All of the funds which will be required in addition to those obtained from the Federal Housing Administration mortgage financing are already available to the Applicants. Simultaneously with the execution of the Land Disposition Agreement between the Authority and Mass. Pike Towers Associates, Mass. Pike Towers Associates will deposit with the Authority 20% of the purchase price for the Project Area and the balance of said purchase price will be paid simultaneously with the conveyance of the Project Area by the Authority to Mass. Pike Towers Associates.

F. Master Plan. The Project does not conflict with the Master Plan of the City of Boston. In resolutions adopted by the Authority on June 10, 1965, in approving the South Cove Urban Renewal Plan, it was found and determined that such Urban Renewal Plan conforms to the Master Plan, as amended, for the locality. The Project conforms to the South Cove Urban Renewal Plan, as amended.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the Project are

attractive and efficiently designed apartment buildings with ample light and air and appurtenant green spaces and will enhance the general appearance of the Area and furnish attractive and necessary accommodations for families of low to moderate income.

Exhibit F of the Application sets forth amounts to be paid by agreement by the 121 Partnership to the City of Boston, in addition to the excise prescribed by Section 10 of Chapter 121A.

The carrying out of the Project will not of itself involve the destruction of buildings occupied in whole or in part as dwellings, since such demolition will be completed by the Authority in carrying out its Urban Renewal Plan referred to above. All of the families presently residing in the Project Area will be satisfactorily relocated by the Authority. The Project will provide approximately 214 new dwelling units within the Project Area.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and management of the Project as set forth in Exhibit D filed with the attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to the Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended. The Authority hereby approves any financing made pursuant to Paragraph 8 of the Application which is insured by the Federal Housing Administration notwithstanding that the amount thereof is in excess of 90% of the estimated cost of the Project.

The carrying out of the Project will not require the erection, maintenance,,and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty pupils, or as a public or private hospital having more than twenty-five beds, or as a church.

The Application contains a request that the Authority declare the units separate buildings for the purposes of Chapter 138 of the General Laws. The Authority hereby approves said request and declares the units to be separate buildings for the purposes of Chapter 138 of the General Laws.

I. Deviations. Exhibit E filed with and attached to the Application, sets forth the following requests for the Project to deviate from zoning and other regulations in effect in the City of Boston.

I. ZONING

The project is located in a B-4U Zoning District. Article 3, Section 3-1 of the Boston Zoning Code requires Authority approval of dimensional controls of all developments in such a District. The Authority is requested to determine the conformance of the dimensions contained in the site plan, filed herewith as Exhibit H, with the dimensional controls established by the Authority for the Project Area in the South Cove Urban Renewal Plan.

II. HEALTH LAWS

No permission is required.

III. FIRE LAWS

No permission is required.

IV. BUILDING LAWS

1. AUTOMATIC SPRINKLERS

Permission is sought to exclude from apartment kitchen areas the automatic kitchen sprinklers which may be required by Section 1008 (a) in buildings, even of Type 1 Construction, more than six stories high. This provision has commonly been considered an unwarranted expense with no concomitant safety factor. The kitchens provided in the proposed buildings will contain new equipment of safe design and the entire building structure is of fireproof concrete construction. No hazard seems inherent in these kitchens. Indeed, the hazard and damage from the unintended going off of the sprinklers is more likely than damage from a cooking fire.

2. WINDOW WALLS

- (a) Permission is sought, for the purpose of introducing natural light to public egress stairways, to use window-wall frames in the exterior walls of such stairways. Section 1503(a) could possibly be interpreted to require the use of all "two hour" fire resistant materials.
- (b) Permission is sought to use window-wall frames in corridor bridges between buildings. Section 1005(d) could possibly be interpreted to require the use of all "one hour" fire resisting material despite the fact that the bridges are not required for legal egress but rather provide a convenience to the residents of the project.

3. FIRST AID STATIONS

Permission is sought to use portable fire extinguishers located in each corridor floor and not more than 50 feet

from each apartment entrance, in place of first aid stations which may be required by Sections 1008(b) and (c). Such first aid stations are difficult to operate and are subject to misuse, particularly in family type housing. The fire extinguisher to be provided offer greater ease of operation and more efficient protection from fire with no reduction in safety.

4. FIRE DEPARTMENT STANDPIPES

Permission is sought to provide a "dry" standpipe system for fire department use with outlets located in corridor floor stairways such that all parts of each story can be reached with 100 feet of hose and a stream 50 feet from the nozzle. The permission requested above, for the omission of First-Aid Stations, would, if granted, eliminate the need on each story for a continual supply of water at high pressure for fire-fighting.

Standard operating procedure for the fire department is to connect a pumper to the standpipe system upon arrival. This, in itself, would insure adequate pressure for fire fighting. Sections 3002(d) and (g) could possibly be interpreted to require a "wet" standpipe with outlets located in every story.

5. INTERIOR STAIRWAYS

Permission is sought to use ladders extending to roof scuttles in the stairways for the purpose of limiting use of roof areas to only emergency egress and maintenance uses and thus avoiding a safety hazard to the occupants. Section 1808(b) could possibly be interpreted

to require that interior stairways be extended to the roof.

6. STRUCTURAL AND FOUNDATION LOADS AND STRESSES

Permission is requested to substitute for the Structural provisions of the so called "Old" Building Code, the Structural and Foundation Loads and Stresses requirements of the "New" Building Code of the City of Boston effective July 1, 1970.

In particular, permission is requested to utilize the Wind Load and resistance to Earthquake loading provisions of the New Code in substitution for Section 2312b of the Old Code, and permission is also requested to utilize the New Code criteria for the design of concrete-filled pipe piles in substitution of Section 2913b of the Old Code.

A requested permission under this Clause 6 would not constitute any in the structural soundness of the proposed building. This fact is demonstrated by the incorporation of these buildings in the New Code.

With the exception of Deviation Requests IV.1, 2 and 6, the Authority is satisfied, by reliable and generally accepted tests, or by experience in other cities, and on other FHA projects, that the designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, and in the evidence presented at the hearing will sufficiently satisfy the purpose of which it or they are to be used and the intent and purposes of the applicable laws, codes, ordinances, or regulations, respectively

Deviation Request I, entitled "Zoning" is a request that the Authority determine the conformance of the dimensions contained in the site plan attached to the Application as Exhibit H with the dimensional controls established by the Authority for the Project Area in the South Cove Urban Renewal Plan. In satisfaction of Article III, Section 3-1 of the Boston Zoning Code, the Authority hereby determines that the dimensions contained in the site plan referred to above to conform with the dimensional controls established for the project area by the Authority in South Cove Urban Renewal Plan.

Deviation Request IV.1 entitled "Automatic Sprinklers" is a request that the Project be permitted to deviate from Section 1008(a) of the Boston Building Code by deleting Automatic Sprinklers in the apartment kitchen areas. The Authority hereby grants the requested permission and approves the deletion of Automatic Sprinklers in the apartment kitchen areas.

Deviation Request IV.2(a) and (b) entitled "Window Walls" is a request for permission to deviate from Sections 1503(a) and 1005(d) by the substitution of window wall frames in the exterior walls of public egress stairways and in corridor bridges between buildings, respectively, in lieu of fire resistant materials which the Code could be interpreted to require. The Authority hereby grants the permission as requested and approves the use of window wall frames in the exterior walls of the public egress stairways and in corridor bridges between buildings.

Deviation Request IV.3 entitled "First Aid Stations" is a request for permission to deviate from Sections 1008(b) and (c) by the substitution of portable fire extinguishers in each corridor floor not more than 50 feet from each apartment entrance in place of the first aid stations which may be required by said sections. The Authority hereby grants permission as

requested and approves the use of portable fire extinguishers located in each corridor floor not more than 50 feet from each apartment entrance provided, however, that said extinguishers must be enclosed in a cabinet and be water-type of 2 1/2 gallon capacity.

Deviation Request IV.4 entitled "Fire Department Standpipes" is a request to deviate from Sections 3002(d) and (g) of the Building Code by the substitution of a "dry" standpipe system for fire department use in lieu of the "wet" standpipe with outlets located in every story as may be required by said Sections. The Authority hereby denies the requested deviation.

Deviation Request IV.5 entitled "Interior Stairways" is a request for permission to deviate from Section 1808(b) of the Building Code by the substitution of ladders extending to roof scuttles in the stairways in lieu of the extension of the interior stairways to the roof as may be required by said Section. The Authority hereby grants permission to deviate as requested and approves the use of ladders extending to roof scuttles in lieu of the extension of the interior stairways to the roof.

Deviation Request IV.6 entitled "Structural and Foundation Loads and Stresses" is a request for permission to substitute for the structural provisions of the so called "Old" Building Code, the Structural and Foundation Loads and Stresses requirements of the "New" Building Code of the City of Boston. The Authority hereby denies the requested deviation.

The Authority hereby finds that the Application, as amended and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, as amended, and the applicable Rules and Regulations of the Authority, and the Authority for these reasons and for the reasons set forth in the Application, as amended and supporting documents, and the evidence presented

at the hearing, and in this report, hereby approves the Project, and consents to the formation of Mass. Pike Towers Associates as requested in the Application, as amended and consents to the filing of the Certificate of Limited Partnership for such partnership substantially in the form annexed to said Application, as amended.